

## Assembly Bill No. 1262

### CHAPTER 789

An act to add Section 34501.18 to the Vehicle Code, relating to vehicles.

[Approved by Governor October 12, 2001. Filed  
with Secretary of State October 13, 2001.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1262, Migden. Motor carriers: drivers.

Existing law requires the Department of the California Highway Patrol to regulate the safe operation of, among others, motor carriers in accordance with statutes and regulations.

This bill would require every motor carrier regularly employing, as defined, more than 20 full-time, as defined, drivers to report to the department whenever it replaces more than half of its drivers, except as specified, within a 30-day period. The bill would require the department, within 21 days of receiving the report, to inspect the motor carrier to ensure that the motor carrier is complying with all safety of operations requirements.

Because, under existing law, a violation of the safety statutes and regulations is a crime, this bill would change the definition of a crime, thereby imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

*The people of the State of California do enact as follows:*

SECTION 1. Section 34501.18 is added to the Vehicle Code, to read:

34501.18. (a) Every motor carrier regularly employing more than 20 full-time drivers shall report to the department whenever it replaces more than half of its drivers within a 30-day period. Within 21 days of receipt of that report, the department shall inspect the motor carrier to ensure that the motor carrier is complying with all safety of operations requirements, including, but not limited to, controlled substances testing and hours-of-service regulations. The reporting requirement of this

subdivision does not apply to a motor carrier who, through normal seasonal fluctuations in the business operations of the carrier, or through termination of a contract for transportation services, other than a collective bargaining agreement, replaces drivers in one geographical location with drivers in another geographical location.

(b) For the purposes of subdivision (a), “employing” means having an employer-employee relationship with a driver or contracting with an owner-operator, as described in Section 34624, to provide transportation services for more than 30 days within the previous year.

(c) For the purposes of subdivision (a), “full-time” means that the driver is on-duty with the motor carrier for an average of 30 hours or more per week during the course of his or her employment or contract with the motor carrier.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

